

ULSTER TOWN BOARD MEETING

APRIL 19, 2012 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7 PM

SALUTE TO THE FLAG

A MOMENT OF SILENCE WAS OBSERVED FOR LEVON HELM

ROLL CALL BY CLERK

TOWN COUNCILMAN JOEL B. BRINK

TOWN COUNCILMAN ERIC KITCHEN - Absent

TOWN COUNCILWOMAN CRIS HENDRICK

TOWN COUNCILMAN JOHN MORROW

SUPERVISOR JAMES QUIGLEY 3rd

PUBLIC COMMENT

Mr. Robert Barton inquired about the repairs to the Esopus Creek embankment at Buckley Street. Supervisor Quigley reported that in order to fix a portion of town property to prevent further erosion, a privately owned section needs to be repaired and shored up first to keep the repair from being undone.

Mr. John Quick was not in favor of the town hiring/filing a position of a chief of detectives to oversee the detective division (the position was vacant).

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Councilman Brink motioned to accept the minutes of the March 1, 2012 and March 15, 2012 meetings.

2nd by Councilwoman Hendrick

Four Ayes

COMMUNICATIONS

A letter was read from Amy Gulnick requesting that the Town Engineer work to minimize the water run off from the proposed Ulster Garden project in the Ledge Road area.

Supervisor Quigley requested that a copy of the letter be forwarded to the Town Planning Board.

ABSTRACT OF CLAIMS

Councilwoman Hendrick motioned to approve the April 2012 abstract as submitted

2nd by Councilman Morrow

Four Ayes

Councilman Brink moved to approve the following:

2012 BUDGET MODIFICATIONS

General Fund:

Modify Revenue A2705(Gifts & Donations) and Appropriation A3120.435 (Canine) donation from Angela Benson	5.00
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Modify Revenue A2705(Gifts & Donations) and Appropriation A3120.435 (Canine) donation from Robert Middaugh	25.00
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Modify Appropriation A3121.401 (Seizure Funds) to be funded through A5110 (Approp.Reserve-Seizure Funds):

U.S. Marshalls - (Michael S. Hornbeck)	5,541.00
Optics Planet, Inc. - Tactical lghts,remote swtchs,hand holsters	7,615.00

Modify Appropriation A7140.401 (Rec.Equip.Rsrv) to be funded through A5110 (Approp.Rsrv-Football League) cheering mats from Mid Hudson Conference	230.00
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Modify Appropriation A7140.401 (Rec.Equip.Rsrv) to be funded through A5110 (Approp.Rsrv-Biddy Basketball) 100 pizzas,delivery charge to Savona's Plaza Pizza	625.00
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Modify Appropriation A7140.401 (Rec.Equip.Rsrv) to be funded through A5110 (Approp.Rsrv-Biddy Basketball) bowling banquet at Hoe Bowl On The Hill	1,150.50
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Highway Fund:

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5142.420 (Gas & Oil) Feb. Gas Reimb. (Oper.Funds)	9,604.52
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Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5142.420 (Gas & Oil) Feb. Gas Reimb. (East Kng. Vol. Fire Co.)	181.45
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Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5142.420 (Gas & Oil) Feb. Gas Reimb. (Ulster Hose #5)	430.43
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Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5142.420 (Gas & Oil) Feb. Gas Reimb. (Ruby Fire Dist.)	377.87
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Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5142.420 (Gas & Oil) Feb. Gas Reimb. (Sawkill Fire Dist.)	91.11
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Modify Appropriation D5130.200 (Equipment) to be funded through D5990 (Approp.Fund Bal.) purchase of a Caterpillar Loader from H.O. Penn Machinery Co.	140,426.30
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Dec. 2011 - Budget Mods.

General Fund:

Transfer from:

A6140.400 Home Relief

A1440.400 Engineering

A1110.410 Computer Tech.

Transfer to:

A1320.402 Auditor	6,500.00
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A1420.400 Legal Fees	250.00
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A1410.401 PC Code Book	1,992.00
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2nd by Councilwoman Hendrick

4 Ayes – Councilman Kitchen was absent

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Department Head Reports

Building Department – Building Inspector, Paul Andreassen, gave his monthly report. The landlord inspections are moving along. He submitted a draft revised fee schedule. A discussion followed about the landlord registration law and if any other law is need to help in compliance. A discussion further followed about degraded and abandon structures that need to be fixed or removed.

Wastewater Department – Superintendent of Waste Water, Corey Halwick, reported all the districts are running well with the exception of Whittier, which needs some attention. The Ulster Sewer District is performing a pump down. A discussion followed about manhole covers being stolen in the Whittier Sewer District. Thief resistant covers are being considered to be ordered. The special sewer camera truck should be arriving soon.

Town Assessor – Town Assessor, James Maloney, reported that the 2012 Assessment Roll will be filed according to law. The exemption application process has passed. His staff contacted every senior that was eligible for the enhanced STAR program. He suggested that the Town Board keep the budget as tight as possible, as there is very little growth in the assessment roll. It's a lean year.

COMMITTEE REPORTS

Councilman Morrow reported that on the Town Hall situation (located at 1 Town Hall Dr.). The site needs better drainage as water is running into the building. The building itself needs a new roof and HVAC system. The town is waiting for all the cost options to come in. A discussion followed between Councilman Morrow, Supervisor Quigley and Mr. Robert Barton about these options.

Public Hearing for Proposed Alarm Law at 7:15 Pm

Town Attorney, Jason Kovacs, reported that the local law was adopted earlier by the Town Board and needs to be readopted for submission to the State for their approval because it has more stringent requirement than the State's Fire Code.

Councilman Morrow moved to open the public hearing for the proposed alarm law at 7:40 PM
2nd by Councilwoman Hendrick
4 Ayes – Councilman Kitchen was absent

There was no public comment.

Councilman Brink moved to close the public hearing at 7:42 PM
2nd by Councilwoman Hendrick
4 Ayes – Councilman Kitchen was absent

Authorize the Supervisor to sign the Engineering Agreement for the Glenerie Stormwater and Drainage Improvement Project

Councilwoman Hendrick moved to authorize the Town Supervisor to sign the Engineering Agreement for the Glenerie Stormwater and Drainage Improvement Project.

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2nd by Councilman Brink

4 Ayes – Councilman Kitchen was absent

Councilman Morrow moved to approve the following:

Resolution authorizing the Town of Ulster Town Board to be Lead Agency for the Glenerie Storm Drainage Improvement Project SEQRA Review

Whereas, the Town of Ulster intends to install approximately 3,850 feet of storm sewers within four specific sub-catchments that exist within the greater Glenerie neighborhood in order to significantly reduce property damage, alleviate ponding, improve the effectiveness of private septic system and reduce the incidence of public contact with contamination sources, and;

Whereas, funding for the project exists in the form of a \$599,492 grant from the New York State Office of Community Renewal Small Cities Program, and;

Whereas, the project requires that an Environmental Review be conducted pursuant to Article 8 of the Environmental Conservation Law, Part 617 of NYCRR (SEQRA), and;

Whereas, a conceptual storm sewer plan has been prepared for the four drainage sub-catchments by Brinnier and Larios, P.C., Professional Engineers, of Kingston, New York, and;

Whereas, the Town has prepared a Short Environmental Assessment Form.

Therefore, be it resolved that the Town Board declares its desire to be Lead Agency and authorizes the Town Clerk to distribute a Lead Agency Coordination Form, Short Environmental Assessment Form, and conceptual drainage plan map to the other involved agencies

2nd by Councilwoman Hendrick

4 Ayes – Councilman Kitchen was absent

Resolution granting Site Plan Approval for Grossmans Bargain Outlet for the construction of a 7,500 sq. ft. addition, on a parcel of land identified as SBL 48.042-3-14, 1051 Ulster Avenue, Town of Ulster

A representative from the developer gave an overview of the project.

Councilman Morrow moved to approve the following:

Resolution granting Site Plan Approval for Grossmans Bargain Outlet for the construction of a 7,500 sq. ft. addition, on a parcel of land identified as SBL 48.042-3-14, 1051 Ulster Avenue, Town of Ulster

**Site Plan Amendment Approval
Grossmans Bargain Outlet
S-B-L: 48.042-3-14**

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WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by DHR Properties, LLC (owners) on behalf of Grossman Bargain Outlet (Tenant) seeking *Site Plan Amendment* approval to construct a 7,500 square foot (SF) addition to the existing 13,137 SF *Grossmans Bargain Outlet*, which is located at 1051 Ulster Avenue; and

WHEREAS, the subject site is situated within the RC-Regional Commercial Zoning District where a retail business is permitted by right subject to Site Plan approval; and

WHEREAS, the materials submitted in support of the Proposed Action includes:

- *Application for Site Plan Amendment* prepared by Scott Dutton, RA dated 2/7/12;
- *SEQR Short EAF* prepared by Scott Dutton, RA dated 2/7/12;
- *Existing Conditions Plan* prepared by Scott Dutton, RA dated 2/7/12;
- *New Work-Floor Plan and Elevations* prepared by Scott Dutton, RA dated 1/13/12; and
- *Preliminary Site Plan for New Work* prepared by Scott Dutton, RA dated 2/7/12.

- *Existing Conditions Plan* prepared by Scott Dutton, RA revised 2/22/12;
- *Site Plan for New Work* prepared by Scott Dutton, RA revised 2/22/12; and
- *Sign Specification for Pole Sign* by Poyant Signs dated 2/22/12.

- *Existing Conditions Plan* prepared by Scott Dutton, RA revised 3/19/12;
- *New Work-Floor Plan and Elevations* prepared by Scott Dutton, RA revised 3/19/12; and
- *Site Plan for New Work* prepared by Scott Dutton, RA revised 3/15/12 & 3/19/12; and
- *New Work Elevations for Grossmans* prepared by Scott Dutton, RA revised 3/12/12.

WHEREAS, the Town of Ulster Town Board retains the authority to approve the site plan for this Proposed Action since more than 2,500 SF of new gross floor area is proposed; and

WHEREAS, the Town Board initiated SEQR Unlisted Action-Coordinated review by circulating its Notice of Intent to be Lead Agency at its March 1, 2012 Board Meeting; and

WHEREAS, the Town Board as Lead Agency has determined the Proposed Action is an *Unlisted Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR); and

WHEREAS, the applicant provided detailed plans for the Proposed Action, which were reviewed by the Town's planner, water department, sewer department and New York State Department of Transportation; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 l and m of NYS General Municipal Law and written comments from the UCPB were provided on March 19, 2012; and

WHEREAS, upon review the Ulster County Planning Board issued a *recommendation letter dated April 4, 2011, which* recommended a cross access easement in the northwest corner of the subject site; and

WHEREAS, the Town of Ulster Planning Board and required the applicant to show a cross access easement note on the revised Site Plan; and

WHEREAS, the NYSDOT has recommended the addition of striping on the edge of the existing driveway, which is shown on the revised Site Plan; and

WHEREAS, the Town of Ulster Town Board determines the applicant submitted to be a complete application; and

NOW THEREFORE BE IT RESOLVED the Town of Ulster Town Board as Lead Agency hereby issues a SEQR Determination of Non-Significance (Negative Declaration); and

FURTHER BE IT RESOLVED, the Town of Ulster Town Board hereby grants Site Plan Amendment approval to *DHR Properties, LLC* - on behalf of Grossman Bargain Outlet - to construct a 7,500 square foot (SF) addition to the existing 13,137 SF *Grossmans Bargain Outlet* on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with NYSDOT required striping of existing driveway on the subject site;
4. Submission of revised Site Plan with a note showing future a *cross access easement* in the northwest corner of the subject site;
5. Submission of revised Site Plan with sewer service located on the drawings where it enters the building;
6. Compliance with Town Sewer Department requirements;
7. Compliance with Town Water Department requirements; and
8. All fees, including consultant fees, shall be paid.

2nd by Councilman Brink
Four Ayes – Councilman Kitchen was absent

Motion to Appoint Kyle Berardi as a Sergeant with the Town of Ulster Police Department

Councilman Brink moved to appoint Kyle Berardi as a Sergeant with the Town of Ulster Police Department

2nd by Councilman Hendrick
Four Ayes – Councilman Kitchen was absent

Motion to Appoint Kyle Berardi as a Detective Sergeant and Head of the Detective Division

Councilman Morrow moved to appoint Kyle Berardi as a Detective Sergeant and Head of the Detective Division

2nd by Councilman Hendrick
Four Ayes – Councilman Kitchen was absent

Presentation and discussion of Retainer Agreement between the Town and Roemer, Wallens, Gold & Mineaux LLP for the period February 1, 2012 to January 31, 2015 (3 years)

Councilwoman Hendrick inquired as to why the increments increased differently in agreement than the prior agreement. Supervisor Quigley would look into this.

Presentation and discussion on Emergency Watershed Protection Program contract documents for repairs to Esopus Creek embankment at Buckley Street in the Town

Councilman Morrow reported that the embankment at Buckley Street was washed out and needs to be repair. In order to repair the Town's portion of the embankment, they would need to repair a privately own portion of the land or when the next high-water event occurs the repairs will be washed away.

Supervisor Quigley requested that Councilman Morrow arrange a meeting at the site with himself, Frank Petramale, the Highway Superintendent, and Mr. John Napoli to discuss the repair. Councilman Morrow stated he would also invite the Town Assessor, James Maloney.

Presentation and discussion on Engineering and Professional Services Agreement between the Town of Ulster and Brinnier & Larios, P.C. for the Survey, Design of Force Main, Preparation of Bid Specs, Assistance in Public Bid and Administration of Contract for the Whittier Waste Water Plant Improvements. Professional Services estimated total approximately \$20,000

Supervisor Quigley reported that the Whittier Waste Water Plant is about 60 years old and needs updates and repairs. There is a proposal for a three stage improvement program; (1) is to reinforce existing conditions and correct existing operating conditions, (2) a program of plant improvements and (3) to expand plant capacity. Each stage costs around \$700,000.

Councilman Morrow moved to authorize the Town Supervisor to enter the Town into an agreement for Engineering and Professional Services with Brinnier & Larios, P.C. for the Survey, Design of Force Main, Preparation of Bid Specs, Assistance in Public Bid and Administration of Contract for the Whittier Waste Water Plant Improvements. The professional services are estimated to cost approximately \$20,000.

2nd by Councilman Brink

Four Ayes – Councilman Kitchen was absent

Motion to Schedule a Public Hearing for a special use permit – logging on an approximately 106 acre parcel located off of Zena Highwoods Road and Eastwoods Dr. (Town of Woodstock) owned by Walrus Properties, LLC and identified as SBL 39.1-1.21.100 for May 17, 2012 at 7:30 PM

Councilman Morrow moved to schedule a Public Hearing for a special use permit – logging on an approximately 106 acre parcel located off of Zena Highwoods Road and Eastwoods Dr. (Town of Woodstock) owned by Walrus Properties, LLC and identified as SBL 39.1-1.21.100 for May 17, 2012 at 7:30 PM (Town Clerk's note – the hearing was rescheduled for June 7, 2012 at 8 PM)

2nd by Councilwoman Hendrick

Four Ayes – Councilman Kitchen was absent

Resolution to adopt SEQR Determination of Non-Significance (Negative Declaration) and to grant conditional site plan approval to Joseph Stote DBA Peacebomb Honest Foods & Stuff for the construction of two structures on a parcel of land identified as SBL 48.13-3.16.1, Forest Hill Drive, Town of Ulster

Councilman Morrow moved to approve the following resolution:

Site Plan Approval - SEQR Negative Declaration

Peacebomb Honest Foods & Stuff

S-B-L: 48.13-3-16.1

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Joseph Stote dba Peacebomb Honest Foods & Stuff* seeking site plan approval for the development of an 0.845-acre site to be served by on-site water supply and septic system; and

WHEREAS, the proposed project would consist of the construction of a 1,590 square foot (SF) geodesic dome greenhouse, a 1,590 square foot (sf) geodesic dome retail store, utility area and construction of a new access drive from Forest Hill Drive; and

WHEREAS, the subject site is situated within the HC-Highway Commercial District in the Town of Ulster where retail nurseries are permitted upon approval of a *Site Plan Approval*; and

WHEREAS, the materials submitted in support of the Proposed Action includes:

- *Site Plan Application* prepared by Joseph Stote, dated February 7, 2012;
- *SEQR Short EAF* prepared by Joseph Stote, dated February 7, 2012;
- *Site Plan Consent Form* prepared by Joseph Stote, dated February 7, 2012;
- *Project Narrative* by Nadine Carnie of Brinnier & Larios, P.C, dated February 8, 2012;
- *Existing Conditions Plan* by Brinnier & Larios, Engineers and LS, P.C, dated 2/2012;
- *Site Plan* prepared by Brinnier & Larios, Engineers and LS, P.C, dated February 2012;
- *Grading, Drainage and Soil Erosion & Sediment Control Plan* by B&L, PC dated 2/2012;
- *Site Plan Details* by Brinnier & Larios, Engineers and LS, P.C, dated February 2012; and
- *Proposed Sewage Disposal System* prepared by Brinnier & Larios, P.C, dated 2/2012.
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- *Existing Conditions Plan* by Brinnier & Larios, Engineers and LS, P.C, revised 2/21/2012;
- *Site Plan* prepared by Brinnier & Larios, Engineers and LS, P.C, revised 2/21/2012;
- *Grading, Drainage and Soil Erosion & Sediment Control Plan* by B&L, PC revised 2/21/2012;
- *Site Plan Details* by Brinnier & Larios, Engineers and LS, P.C, revised 2/21/2012; and
- *Proposed Sewage Disposal System* prepared by Brinnier & Larios, P.C, revised 2/21/2012;
- *Lighting Specification* by MAXSA Innovations for Motion Activated LED Floodlight;
- *Solar Tech Panel Specifications for STR220 Module* by Solartech Renewables; and
- *Photo Illustrations of Timber Dome and Greenhouse Dome*

WHEREAS, the Town of Ulster Town Board retains the authority to approve the site plan for this Proposed Action since more than 2,500 SF of new gross floor area is proposed; and

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WHEREAS, the Town Board initiated SEQR Unlisted Action-Coordinated review by circulating its Notice of Intent to be Lead Agency at its March 1, 2012 Board Meeting; and

WHEREAS, the Town of Ulster Town Board, as Lead Agency, has determined the Proposed Action is an *Unlisted Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR); and

WHEREAS, the applicant provided detailed plans for the Proposed Action, which were reviewed by the Town's planner, Town's alternative consulting engineer Praetorius & Conrad, and New York State Department of Transportation; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 l and m of NYS General Municipal Law and written comments from the UCPB were received on March 19, 2012; and

WHEREAS, upon review the Ulster County Planning Board issued a Recommendation Letter with Required Modifications as follows: 1) Health Department approval is required, 2) architectural elevations or visual simulation of proposal should be provided, 3) an access easement will need to be noted on the plan, 4) detailed landscaping plan will be required and 5) full cut-off fixtures, to reduce glare are required; and

WHEREAS, UCPB Required Modifications No.'s 2, 4 and 5 were provided in the revised submission to the Planning Board; and

WHEREAS, the Planning Board recommends UCPB Required Modifications No. 1 and No. 3 are recommended as *conditions of approval*; and

WHEREAS, the Town of Ulster Planning Board determined the applicant submitted a complete application; and

WHEREAS, the Town of Ulster Planning Board referred this matter to the Town of Ulster Town Board on April 17, 2012 with a recommendation of SEQR Determination of Non-Significance (Negative Declaration), and also recommended that the Town of Ulster Town Board grant a waiver to allow off-street parking within four (4) feet of the front yard Pursuant to §190-18 (I) of the Town Code, and also recommended that the Town Board grant Site Plan Approval to *Joseph Stote dba Peacebomb Honest Foods & Stuff* to a 1,590 square foot (SF) geodesic dome greenhouse, a 1,590 square foot (sf) geodesic dome retail store, utility area, onsite water and septic systems, and construction of a new access drive from Forest Hill Drive on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with site plan, design plans and all details and notes thereon;
4. Execution of all necessary access and utility easements shown on the site plan set in a form and manner acceptable to the Board's attorney and professional engineer;
5. Submission of revised plan set that responds to the Board's professional alternative engineering consultant Praetorius & Conrad's review letter dated April 12, 2012;

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6. Compliance with NYSDOT required modifications to drainage;
7. Health department approvals for water and septic systems; and
8. All fees, including consultant fees, shall be paid;

NOW THEREFORE BE IT RESOLVED that the Town of Ulster Town Board hereby adopts a SEQR Determination of Non-Significance (Negative Declaration); and be it further

RESOLVED that the Town of Ulster Town Board grant a *waiver* to allow off-street parking within four (4) feet of the front yard *Pursuant to* §190-18 (I) of the Town Code, and be it further

RESOLVED that the Town Board grant Site Plan Approval to *Joseph Stote dba Peacebomb Honest Foods & Stuff* to a 1,590 square foot (SF) geodesic dome greenhouse, a 1,590 square foot (sf) geodesic dome retail store, utility area, onsite water and septic systems, and construction of a new access drive from Forest Hill Drive on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with site plan, design plans and all details and notes thereon;
4. Execution of all necessary access and utility easements shown on the site plan set in a form and manner acceptable to the Board's attorney and professional engineer;
5. Submission of revised plan set that responds to the Board's professional alternative engineering consultant Praetorius & Conrad's review letter dated April 12, 2012;
6. Compliance with NYSDOT required modifications to drainage;
7. Health department approvals for water and septic systems; and
8. All fees, including consultant fees, shall be paid;

2nd by Councilwoman Hendrick
Four Ayes – Councilman Kitchen was absent

Motion to set a Public Hearing for a Special Permit and Site Plan approval for Landing Woods at Ulster, LLC for a parcel of land identified as SBL 39.16-4.19.210, 31.43 acres, Rt. 32 North, Town of Ulster for May 3, 2012 at 7:30 PM, Motion to refer this matter to the Ulster County Planning Board for review pursuant to Section 239 l and m of the NYSGML Resolution to adopt a SEQR Determination of Non-Significance conditioned (Negative Declaration) for Landing Woods at Ulster LLC to develop an 84 unit townhouse development on a 31.43 acre site served by central water and municipal sewer identified as SBL 39.16-4.19.210, Route 32 North, Town of Ulster

Councilman Morrow moved to approve the following resolution:

**Referral to the Town Board and UCPB
Conditioned Negative Declaration and Scheduling Public Hearing
Landing Woods at Ulster, LLC
Section-Block-Lot: 39.16-4-19.210**

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WHEREAS, the Town of Ulster Planning Board and its consultant planner, Town Engineer (Brinnier & Larios, PC), Highway, Water & Sewer Departments have reviewed an application by Landing Woods at Ulster, LLC seeking approval to develop an 84-unit townhouse development (attached dwellings) on a 31.43-acre site served by private central water and municipal sewer.

WHEREAS, this application will require approval of a *subdivision plat* and *cluster development* by the Planning Board and approval of a *site plan* and *special permit* by the Town Board following a public hearing; and

WHEREAS, the materials submitted in support of the Proposed Action includes:

- *Conceptual Layout* prepared by Chazen Engineering & Surveying, P.C, dated 6/14/11;
- *Wetlands Map* prepared by Chazen Engineering & Surveying, P.C, dated 6/14/11;
- *Traffic Impact Study* by John Collins Engineers, P.C. date April 8, 2004; and
- *School Analysis* prepared by The Chazen Companies dated 4/1/2004.

- *Site Plan and Special Use Permit Application* by Chazen Companies, dated September 6, 2011;
- *Written Narrative* prepared by Chazen Companies, dated September 6, 2011;
- *SEQRA Full EAF Part 1* prepared by Chazen Companies, dated September 6, 2011
- *Conceptual Layout* by Chazen Engineering & Surveying, P.C, dated 6/4, revised 9/6/11; and
- *Grading & Erosion Control Plan with Overlay of April 2011 Wetlands Delineation Map* prepared by Chazen Engineering & Surveying, P.C, dated 6/14/11.

- *Written Narrative* prepared by Chazen Companies, dated December 7, 2011;
- *School Impact Analysis for Landing Woods* by Chazen Companies dated December 7, 2011;
- *Phase 1 Bog Turtle Assessment for Landing Woods* by Aspen Environmental dated 10/31/11;
- *Traffic Impact Study for Landing Woods* by John Collins Engineers, P.C. revised 12/7/2011;
- *Phase 1A& 1B Archeological Assessment* - Hartgen Archeological Associates dated July 2004;
- *Existing Conditions Plan* by Chazen Engineering & Land Surveying dated December 7, 2011;
- *Site Plan* by Chazen Engineering & Land Surveying, P.C. dated December 7, 2011;
- *Grading & Drainage Plan* by Chazen Engineering & Land Surveying dated December 7, 2011;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C., dated 12/7/11;
- *Utility Plan* prepared by Chazen Engineering & Land Surveying dated December 7, 2011;
- *Landscaping Plan* prepared by Chazen Engineering & Land Surveying dated 12/7/2011;
- *Road Profiles* prepared by Chazen Engineering & Land Surveying dated December 7, 2011;
- *Site Details* prepared by Chazen Engineering & Land Surveying dated December 7, 2011;

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- *Storm Sewer Details* prepared by Chazen Engineering & Land Surveying dated 12/7/2011;
 - *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C., dated 12/7/11;
 - *Water System Details* prepared by Chazen Engineering & Surveying, P.C., dated 12/7/11;
 - *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C., dated 12/7/11; and
 - *Landscaping Details* prepared by Chazen Engineering & Surveying, P.C., dated 12/7/11.
 - *Written Narrative* prepared by Chazen Companies, dated March 7, 2012;
 - *Correspondence from NYS OPRHP concerning cultural resources* dated 2/17/2012;
 - *Note Sheet* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
 - *Existing Conditions Plan* by Chazen Engineering & Land Surveying dated March 7, 2012;
 - *Site Plan* by Chazen Engineering & Land Surveying, P.C. dated March 7, 2012;
 - *Grading & Drainage Plan* by Chazen Engineering & Land Surveying dated March 7, 2012;
 - *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C., dated 3/7/2012;
 - *Utility Plan* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
 - *Landscaping Plan* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
 - *Road Profiles* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
 - *Site Details* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
 - *Storm Sewer Details* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
 - *Erosion & Sediment Details* by Chazen Engineering & Surveying, P.C., dated 3/7/2012;
 - *Water System Details* prepared by Chazen Engineering & Surveying, P.C., March 7, 2012;
 - *Sanitary Sewer Details* by Chazen Engineering & Surveying, P.C., March 7, 2012; and
 - *Landscaping Details* prepared by Chazen Engineering & Surveying, P.C., March 7, 2012.
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- *Written Narrative* prepared by Chazen Companies, dated April 4, 2012;
 - *Correspondence from AQUA concerning availability of water* dated 3/27/2012;
 - *Title Sheet* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
 - *Note Sheet* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
 - *Existing Conditions Plan* by Chazen Engineering & Land Surveying revised April 4, 2012;
 - *Site Plan* by Chazen Engineering & Land Surveying, P.C. revised April 4, 2012;
 - *Grading & Drainage Plan* by Chazen Engineering & Land Surveying revised April 4, 2012;
 - *Erosion & Sediment Plan* by Chazen Engineering & Surveying, P.C., revised April 4, 2012;
 - *Utility Plan* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
 - *Landscaping Plan* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
 - *Lighting Plan* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
 - *Road Profiles* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
 - *Site Details* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;

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- *Storm Sewer Details* prepared by Chazen Engineering & Land Surveying dated April 4, 2012;
- *Erosion & Sediment Details* by Chazen Engineering & Surveying, P.C., dated April 4, 2012;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C., dated 4/7/2012;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C., dated April 4, 2012;
- *Stormwater Management Details* by Chazen Engineering & Surveying, P.C., dated 4/7/2012; and
- *Landscaping Details* prepared by Chazen Engineering & Surveying, P.C., dated April 4, 2012.
- *Subdivision Plat SUB 1* by Chazen Engineering & Surveying, P.C., dated April 4, 2012;
- *Subdivision Plat SUB 2* by Chazen Engineering & Surveying, P.C., dated April 4, 2012;
- *Floor Plan for 2 –BR Units* by FDS Architects & Thomas D. Swift, RA dated 3/30/2012;
- *Floor Plan for 3 –BR Units* by FDS Architects & Thomas D. Swift, RA dated 3/30/2012;
- *Floor Plan for 2 –BR Units* by FDS Architects & Thomas D. Swift, RA dated 3/30/2012;
- *Floor Plan for 3 –BR Units* by FDS Architects & Thomas D. Swift, RA dated 3/30/2012;
- *Elevations for 4 & 6-Plex* by FDS Architects & Thomas D. Swift, RA dated 3/30/2012; and
- *Perspective Drawing of 4-Plex* by FDS Architects & Thomas D. Swift, RA dated 3/30/2012.

WHEREAS, the Town of Ulster Town Board was designated Lead Agency following Lead Agency Coordination commenced on September 20, 2011; and

WHEREAS, the Town Board as Lead Agency has determined the Proposed Action is an *Unlisted Action* pursuant to the SEQR regulations; and

WHEREAS, the applicant provided a Full EAF Part 1 which assessed the full build-out of the subject site; and

WHEREAS, the Town of Ulster Planning Board and Town Board completed a Full EAF Part 2, which was used to identify potentially significant adverse impacts and required studies; and

WHEREAS, the applicant provided detailed studies based upon the Proposed Action including a Traffic Impact Study for Landing Woods, Phase 1 Bog Turtle Assessment for Landing Woods, Phase 1A and Phase 1B Archeological Assessment, mapping of on-site wetlands, SWPPP, along with a detailed set of Plans as listed in detail above; and

WHEREAS, the Town of Ulster Planning Board referred this matter to the Town Board with a recommendation to adopt a *SEQR Conditioned Negative Declaration* statement since the Proposed Action would not pose any potentially significant environmental impacts *based upon their review of the detailed studies provided and the mitigation measures being employed in the design of the proposed development*; and

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WHEREAS, the NYSDOT has conceptually accepted the proposed driveway entrance to the subject site from NYS Route 32 and has stated so in its October 11, 2011 letter; and

WHEREAS, the applicant secured NYSOPRHP approval for the construction of the walking trail on the site per approval letter dated February 17, 2012; and

NOW THEREFORE BE IT RESOLVED, based upon the review of the application materials submitted, the Town of Ulster Town Board issues a SEQR Determination of Non-Significance (Conditioned Negative Declaration) subject to the following condition: *“Provision of Adequate Capacity for Sewage Disposal. A plan for improvements to the Whittier Sewer Treatment Plant and collection system must be approved and agreements to finance such improvements must be consummated prior to final approval of the subdivision plat and special permit;”* and

FURTHER BE IT RESOLVED, the Town of Ulster Town Board hereby refers this matter to the UCPB for review pursuant to *Section 239 l and m* of NYS General Municipal Law; and

FURTHER BE IT RESOLVED, the Town of Ulster Town Board hereby sets a *public hearing* on the *special permit and site plan* for its regularly scheduled meeting in May of 2012; and

2nd by Councilwoman Hendrick
Four Ayes – Councilman Kitchen was absent

Resolution Reaffirming and Ratifying Previous Approvals under SEQR and Adopting Amended Statement of Findings for Ulster Gardens f/k/a Ulster Manor Development

Councilman Morrow moved to approve the following:

Resolution Reaffirming and Ratifying Previous Approvals Under SEQR and Adopting Amended Statement of Findings for

Ulster Gardens f/k/a Ulster Manor Development

Town of Ulster SBL: 48.58-7-21.1

WHEREAS, the Town of Ulster Planning Board – as Lead Agency – adopted a *SEQR Statement of Findings* on June 16, 2009 for the Ulster Land Partners Holding, LLC development known as Ulster Manor on the subject site, which consisted of 128 attached 2-bedroom townhouses to be situated on individual lots; and

WHEREAS, Ulster Land Partners Holding, LLC withdrew its application for the Ulster Manor development from the Planning Board in 2010, prior to final Planning Board approval; and

WHEREAS, on December 14, 2011, the Town of Ulster Planning Board received an application by Warwick Properties, Inc., for a mixed residential development on the same subject site, which consists of a proposed development of 112 senior citizen dwelling units and 52 multi-family dwelling units; and

WHEREAS, SEQR does not impose an affirmative obligation upon the Lead Agency to notify or solicit comments from other agencies when determining that an Supplemental Environmental

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Impact Statement (SEIS) is not required. See Riverkeeper, Inc. v. Planning Board of the Town of Southeast, 9 NY3d 219 (2007); and

WHEREAS, the Town of Ulster Planning Board circulated a Notice of Intent to Involved Agencies on December 22, 2011 Reaffirming Its Lead Agency role for the SEQR Review for the current proposed action; and

WHEREAS, none of the Involved Agencies objected to the Town of Ulster Planning Board's reaffirmation of Lead Agency; and

WHEREAS, as the Lead Agency under the State Environmental Quality Review (SEQR) Act, the Planning Board must determine if the *SEQR Statement of Findings* dated June 16, 2009 regarding the environmental effects and mitigation measures set forth in the original Environmental Impact Statement (EIS) for the subject site is still valid; and

WHEREAS, if the Planning Board determines that some aspects of the original Findings are no longer appropriate, it must determine the extent of supplementary review and consideration required; and

WHEREAS, although the SEQR process for the original proposal was completed in 2009, the passage of time since completion of SEQR Findings does not, in itself, require a new review of the environmental affects of a project. See Stewart Park and Reserve Coalition v. New York State Department of Transportation, 157 AD2d 1 (3rd Dep't 1990); and

WHEREAS, a supplemental EIS may be required if significant adverse environmental effects arise due to the following [see 6 NYCRR Part 617.9 (a)(7)(i)]:

- a. Changes proposed for the project;
- b. Newly discovered information; or
- c. A change in circumstances related to the project; and

WHEREAS, the Lead Agency has re-examined the plans, documentation and submittals made of record in consideration of the SEQR Statement of Findings dated June 16, 2009, which was granted by the Town of Ulster Planning Board for the Ulster Manor Development on the subject site; and

WHEREAS, the Lead Agency has also reviewed the plans, documentation and submittals made of record in consideration of the current proposed action for the Ulster Gardens Development; and

WHEREAS, the Town of Ulster Planning Board, acting as Lead Agency, at its regularly scheduled meeting on the 17th day of April, 2012, took the following actions:

1. determined that a Supplemental Environmental Impact Statement is not required in this matter;

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2. found no specific significant adverse environmental impacts which were not addressed or inadequately addressed in the previous June 16, 2009 SEQR Statement of Findings which arise from:
 - a. Changes proposed for the project;
 - b. Newly discovered information;
 - c. A change in circumstances related to the project
3. Found that by almost every measure, the impacts associated with the current proposed action are less than the DEIS or FEIS Proposed Actions;
4. Reaffirmed and ratified the SEQR Statement of Findings on June 16, 2009 within an Amended Findings Statement; now, therefore, be it

RESOLVED, that based upon the Lead Agency's review of the current proposed action and applying the criteria set forth within SEQR, which governs when a Lead Agency is required to revisit previous environmental reviews in association with the preparation of a supplemental Environmental Impact Statement, the Town of Ulster Town Board has determined herewith that a Supplemental Environmental Impact Statement is not required [See also 6 NYCRR Part 617.9(a)(7)(i)]; and be it further

RESOLVED, that the Town of Ulster Town Board finds no specific significant adverse environmental impacts which were not addressed or inadequately addressed in the previous June 16, 2009 SEQR Statement of Findings which arise from:

- a. Changes proposed for the project;
- b. Newly discovered information; or
- c. A change in circumstances related to the project; and be it further

RESOLVED, that the Town of Ulster Town Board takes note of the fact that the current proposed action involves physical changes in the proposed layout of buildings and roads on the subjects site. However, the current proposed action and supporting documentation (including Stormwater Pollution Prevention Plan, Traffic Impact Analysis, Visual Assessment, Balloon Test and 19-set of Plans as revised, etc.) have been examined comprehensively by the Lead Agency; Town Highway, Water and Sewer Superintendents; Town's consulting planner; Town's consulting engineers; Ulster Hose No. 5 Fire Department and none of the associated physical changes to the proposed development are deemed to result in a significant adverse environmental impact. Nor has there been any newly discovered information or changes in circumstances which would give rise to the requirement for a Supplemental Environmental Impact Statement. Finally, there are no change in circumstances related to the project or surrounding properties to result in a significant adverse environmental impact; and be it further

RESOLVED that the Town of Ulster Town Board relied upon the review of the plans, documentation and submittals made of record in consideration of the current proposed action. the Town of Ulster Town Board has also held a public information meeting on the current proposed action on January 12, 2012 and conducted a public hearing on January 19, 2012 in order to obtain public input on the Proposed Action. Based on public input, the subdivision layout was revised and changes made to the site plan; and be it further

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RESOLVED that the Lead Agency has taken the additional step of formalizing its discovery through the preparation of an Amended Statement of Findings, which thoroughly describes the current proposed action in comparison to the DEIS Proposed Action and FEIS Proposed Action; and be it further

RESOLVED that the Town of Ulster Town Board finds that by almost every measure, the impacts associated with the current proposed action are less than the DEIS or FEIS Proposed Actions; and be it further

RESOLVED that based upon the foregoing and the analysis contained herein, the Town of Ulster Town Board hereby reaffirms and ratifies the SEQR Statement of Findings on June 16, 2009 within an Amended Findings Statement. Said Amended Statement of Findings is incorporated herein by reference and made part hereof, as if fully set forth at length.

2nd by Councilwoman Hendrick
Four Ayes – Councilman Kitchen was absent

Motion to set a Public Hearing for a Special Use Permit and Site Plan approval for Warwick Properties, Inc. (Ulster Gardens) for a parcel of land identified as 48.058-7-21.100, 51.16 acres, East Chester St. By Pass, Town of Ulster for May 3, 2012 at 8:00 PM

Councilwoman Hendrick moved to set a Public Hearing for a Special Use Permit and Site Plan approval for Warwick Properties, Inc. (Ulster Gardens) for a parcel of land identified as 48.058-7-21.100, 51.16 acres, East Chester St. By Pass, Town of Ulster for May 3, 2012 at 8:00 PM
2nd by Councilman Brink
Four Ayes – Councilman Kitchen was absent

Public Comment

Mr. Michael Hines, the President of the Bloomington Fire Company, reported that the LSAP program has been completed and he thanked the Town for their help in this endeavor.

TOU PBA v TOU

Councilwoman Hendrick moved to enter into executive session at 8:15 PM to discuss litigation between the Town of Ulster PBA and the Town.
2nd by Councilman Morrow
Four Ayes – Councilman Kitchen was absent

Supervisor Quigley resumed the regular meeting at 8:37 PM and reported that no actions were taken during executive session.

Councilman Morrow motioned to adjourn the meeting at 8:38 PM
2nd by Councilwoman Hendrick
Four Ayes – Councilman Kitchen was absent

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Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk